

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

OREGON FREEZE DRY, INC.,
an Oregon corporation,

Civil No. 05-1119-ST

Plaintiff,

v.

ORDER

AMERICOLD LOGISTICS, LLC,
a Delaware limited
liability company,

Defendant.

MARSH, Judge.

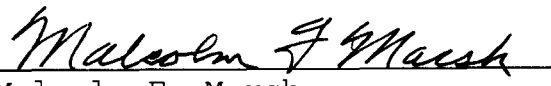
Magistrate Judge Janice M. Stewart filed her Findings and Recommendation on January 12, 2006. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See

§636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation #37. Americold's Motion (#7) for Summary Judgment and Alternative Motion (#10) for Stay are DENIED.

IT IS SO ORDERED.

DATED this 15 day of February, 2006.


Malcolm F. Marsh
United States District Judge